

SECOND REGULAR SESSION

# SENATE BILL NO. 1207

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR GOODMAN.

Read 1st time February 27, 2008, and ordered printed.

TERRY L. SPIELER, Secretary.

5341S.011

## AN ACT

To repeal section 198.074, RSMo, and to enact in lieu thereof one new section relating to sprinkler system requirements for long-term care facilities.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Section 198.074, RSMo, is repealed and one new section  
2 enacted in lieu thereof, to be known as section 198.074, to read as follows:

198.074. 1. Effective August 28, 2007, all new facilities licensed on or  
2 after August 28, 2007, or any facilities completing a major renovation to the  
3 facility on or after August 28, 2007, as defined and approved by the department,  
4 and which are licensed under this chapter shall install and maintain an approved  
5 sprinkler system in accordance with National Fire Protection Association (NFPA)  
6 13.

7 2. Facilities that were initially licensed and had an approved sprinkler  
8 system prior to August 28, 2007, shall continue to meet all laws, rules, and  
9 regulations for testing, inspection and maintenance of the sprinkler system that  
10 were in effect for such facilities on August 27, 2007.

11 3. Multi-level assisted living facilities that accept or retain any individual  
12 with a physical, cognitive, or other impairment that prevents the individual from  
13 safely evacuating the facility with minimal assistance shall install and maintain  
14 an approved sprinkler system in accordance with NFPA 13. Single-story assisted  
15 living facilities that accept or retain any individual with a physical, cognitive, or  
16 other impairment that prevents the individual from safely evacuating the facility  
17 with minimal assistance shall install and maintain an approved sprinkler system  
18 in accordance with NFPA 13R.

19 4. All residential care and assisted living facilities with more than twenty  
20 residents not included in subsection 3 of this section, which are initially licensed

21 under this chapter prior to August 28, 2007, and that do not have installed an  
22 approved sprinkler system in accordance with NFPA 13R prior to August 28,  
23 2007, shall install and maintain an approved sprinkler system in accordance with  
24 NFPA 13R by December 31, 2012, unless the facility meets the safety  
25 requirements of Chapter 33 of existing residential board and care occupancies of  
26 NFPA 101 life safety code.

27         5. All skilled nursing and intermediate care facilities not required prior  
28 to August 28, 2007, to install and maintain an approved sprinkler system shall  
29 install and maintain an approved sprinkler system in accordance with NFPA 13  
30 by December 31, 2012, unless the facility receives an exemption from the  
31 department and presents evidence in writing from a certified sprinkler system  
32 representative or licensed engineer that the facility is unable to install an  
33 approved National Fire Protection Association 13 system due to the unavailability  
34 of water supply requirements associated with this system or the facility meets the  
35 safety requirements of Chapter 33 of existing residential board and care  
36 occupancies of NFPA 101 life safety code.

37         6. Facilities that take a substantial step, as specified in subsection 7 of  
38 this section, to install an approved NFPA 13R or **NFPA 13** system prior to  
39 December 31, 2012, may apply to the department for a loan in accordance with  
40 section 198.075 to install such system. However, such loan shall not be available  
41 if by December 31, 2009, the average total reimbursement for the care of persons  
42 eligible for Medicaid public assistance in an assisted living facility and residential  
43 care facility is equal to or exceeds fifty-two dollars per day. The average total  
44 reimbursement includes room, board, and care delivered by the facility, but shall  
45 not include payments to the facility for care or services not provided by the  
46 facility. If a facility under this subsection does not have an approved sprinkler  
47 system installed by December 31, 2012, such facility shall be required to install  
48 and maintain an approved sprinkler system in accordance with NFPA 13 by  
49 December 31, 2013. Such loans received under this subsection and in accordance  
50 with section 198.075, shall be paid in full as follows:

51             (1) Ten years for those facilities approved for the loan and whose average  
52 total reimbursement rate for the care of persons eligible for Medicaid public  
53 assistance is equal to forty-eight and no more than forty-nine dollars per day;

54             (2) Eight years for those facilities approved for the loan and whose  
55 average total reimbursement rate for the care of persons eligible for Medicaid  
56 public assistance is greater than forty-nine and no more than fifty-two dollars per

57 day; or

58 (3) Five years for those facilities approved for the loan and whose average  
59 total reimbursement rate for the care of persons eligible for Medicaid public  
60 assistance is greater than fifty-two dollars per day.

61 (4) No payments or interest shall be due until the average total  
62 reimbursement rate for the care of persons eligible for Medicaid public assistance  
63 is equal to or greater than forty-eight dollars.

64 7. (1) All facilities licensed under this chapter shall be equipped with a  
65 complete fire alarm system in compliance with NFPA 101, Life Safety Code for  
66 Detection, Alarm, and Communication Systems as referenced in NFPA 72, or  
67 shall maintain a system that was approved by the department when such facility  
68 was constructed so long as such system is a complete fire alarm system. A  
69 complete fire alarm system shall include, but not be limited to, interconnected  
70 smoke detectors throughout the facility, automatic transmission to the fire  
71 department, dispatching agency, or central monitoring company, manual pull  
72 stations at each required exit and attendant's station, heat detectors, and audible  
73 and visual alarm indicators.

74 (2) In addition, each floor accessed by residents shall be divided into at  
75 least two smoke sections by one-hour rated smoke partitions. No smoke section  
76 shall exceed one hundred fifty feet in length. If neither the length nor the width  
77 of the floor exceeds seventy-five feet, no smoke-stop partition shall be  
78 required. Facilities with a complete fire alarm system and smoke sections  
79 meeting the requirements of this subsection prior to August 28, 2007, shall  
80 continue to meet such requirements. Facilities initially licensed on or after  
81 August 28, 2007, shall comply with such requirements beginning August 28, 2007,  
82 or on the effective date of licensure.

83 (3) Except as otherwise provided in this subsection, the requirements for  
84 complete fire alarm systems and smoke sections shall be enforceable on December  
85 31, 2008.

86 8. The requirements of this section shall be construed to supersede the  
87 provisions of section 198.058 relating to the exemption of facilities from  
88 construction standards.

89 9. Fire safety inspections of facilities licensed under this chapter for  
90 compliance with this section shall be conducted annually by the state fire marshal  
91 if such inspections are not available to be conducted by local fire protection  
92 districts or fire departments. The provisions of this section shall be enforced by

93 the state fire marshal or by the local fire protection district or fire department,  
94 depending on which entity conducted the inspection.

95 10. By July 1, 2008, all facilities licensed under this chapter shall submit  
96 a plan for compliance with the provisions of this section to the state fire marshal.

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Bill

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